

August 15, 2001

VIA ELECTRONIC FILING

Thomas Sugrue
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: ***Clarification of Ex Parte Letter of August 8, 2001***
Establishment of Rules and Policies for the Satellite Digital Audio Radio Service in the 2310-2360 MHz Band, IB Docket No. 95-91
XM Radio Request for STA, File No. SAT-STA-20010712-00063
Sirius Request for STA, File No. SAT-STA-20010724-00064

Dear Mr. Sugrue:

On behalf of AT&T Wireless, Inc. (“AWS”), I would like to clarify a statement in our August 8, 2001 letter, in which we responded to several questions you posed in a recent meeting. In that letter, AWE represented that the FCC did not seek comment on letters sent by the SDARS licensees to Ms. Rosalee Chiara, Deputy Chief of the Satellite Policy Branch of the International Bureau, in November 1997.¹

It is correct that no record of a request for public comment is contained in the Commission’s docket in this rulemaking, IB 95-91. Nor does a search of the Commission’s EDOCS system by docket number and date range reveal such a request. Indeed, no request for comment was published in the *Federal Register*. However, a manual search of the daily releases for the month and a half following the date of the letters uncovers a Satellite Policy Branch “Notice of Applications Accepted for Filing” (Report No. SPB-112, December 23, 1997). Although the document, by title, suggests that it pertains to new satellite applications, it contains a brief reference to this rulemaking on terrestrial repeaters: “At the Commission’s request, the [SDARS] licensees filed supplemental comments in this proceeding regarding their use of repeaters. Responses to these supplemental comments may be filed on or before January 9, 1998.”

¹ CD Radio, predecessor to Sirius, dated its letter November 14, 1997. American Mobile Radio Corporation, predecessor to XM Radio, filed its letter November 14, 2001.

HARRIS, WILTSHIRE & GRANNIS LLP

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Because we recently unearthed this Satellite “Notice of Applications Accepted for Filing,” we simply wished to clarify that aspect of our August 8 letter. Should you have any questions, please contact Bill Wiltshire at (202) 730-1350 or myself at (202) 730-1340.

Sincerely yours,

Karen L. Gulick

cc: Don Abelson
Sam Feder
Bruce Franca
David Furth
Julius Knapp
Adam Krinsky
Jane Mago
Paul Margie
Ron Netro
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